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| 09/488,019      | 01/20/2000  | Yuji Kumakura        | 1614.1024           | 3839             |

21171 7590 09/16/2003

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| EXAMINER |
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KENDALL, CHUCK O

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2122

DATE MAILED: 09/16/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

3

# Office Action Summary

Application No.

09/488,019

Applicant(s)

KUMAKURA, YUJI

Examiner

Chuck O Kendall

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is the response to the communication received on June, 25 2003 Amendment under 37 CFR § 1.111. Reconsideration of the instant application is requested by applicants. All such supporting documentation has been placed of record in the file. Claims 1-27 are pending in this application.

### Response to Arguments

Regarding Applicant's response of June 2 2003, Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

### Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stupek Jr, et al USPN 5,586,304 (hereinafter Stupek), in view of Kullick et al. USPN 5,764,992 (hereinafter Kullick).

Regarding claims 1,10 & 19, Stupek discloses, control information retrieving part retrieving control information that is used to execute a program; [Stupek, 5:34], a destination defining part defining destination address information that is indicated by a user and a location different from a current location where the program is stored ;

[Stupek, 5:40-42], a moving part moving the program in accordance with the destination address information [Stupek 5:43-46], wherein said moving part comprises: a copying part retrieving the current address information corresponding to said definition name included in said control information in accordance with said definition information and copying all information, which is stored at a current address indicated by the current address information in accordance with the destination address (3:64-4:20); and

a deleting part deleting all information stored at the current address (5:50-54); a control information changing part changing the control information based on the destination address information [Stupek 5:48-51]. Stupek doesn't explicitly disclose deleting the program. However, Kullick does disclose this information in a similar configuration (fig. 10, see delete old). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Stupek and Kullick because, deleting outdated or previously used programs ensures better program management, hence eliminating potential software conflict.

Regarding claims 2, 11, & 20, the information processor as claimed in claim 1, wherein said control information comprises current address information indicating where the program is stored in a storage device, and wherein said changing comprises a replacing part replacing the current address information with the destination address information to which the program is moved [Stupek 1: 55-67].

Regarding claims 3, 12, & 21, the information processor as claimed in claim 1, wherein said control information is generated when said program is installed into a storage device [Stupek 2:1-15 see CD-ROM].

Regarding claims 4, 13, & 22, the information processor as claimed in claim 1, wherein said control information is referred to when said program is executed [Stupek, 4:30-43].

Regarding claims 5, 14 & 23, the information processor as claimed in claim 1, wherein said control information is stored in a file referred to by other programs, and the

file includes a plurality of control information to execute the other programs [Stupek, 6:10-30]

Regarding claims 6, 15, & 24, the information processor as claimed in claim 1, wherein said control information comprises definition information including at least one destination address information related to the program and including at least one definition name uniquely assigned to the destination address information, and wherein said control information changing part comprises a changing part changing said control information based on said definition information. [Stupek 2:5-40].

Regarding claims 7, 16, & 25, the information processor as claimed in claim 1, wherein said control information comprises:

current address information indicating where the program is stored in a storage device [Stupek, 2:5-15];

definition information including at least one destination address information related to the program and including at least one definition name uniquely assigned to the destination address information, wherein said control information changing part comprises [Stupek 5: 50-54];

a changing part changing the current address information included in said control information based on the destination address information included in said definition information [Stupek 2:1-10].

Regarding claims 8, 17, & 26, the information processor as claimed in claim 1, wherein said control information comprises:

program information to execute the program [Stupek 4:30-43];

and data information related to data created or edited by executing said program, and wherein said moving part comprises: [Stupek 2:5-10]

a program moving part moving the program [Stupek 2:5-10 see upgrade information, also refer to storage for older versions 5:53-58] and [Stupek, 2:5-10]; a data moving part moving the data when the program is moved by said program moving part [6:10-30, see Fig 1].

Regarding claims 9, 18 & 27, the information processor as claimed in claim 1, further comprising an installing part installing said program [Stupek 2:10-15].

### Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### Correspondence Information

6. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall who may be reached via telephone at (703) 308-6608. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached at (703) 305-4552.

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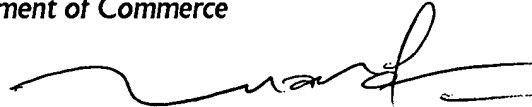
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

For facsimile (fax) send to 703-7467239 official and 703-7467240 draft

*Chuck D. Kendall*

*Software Engineer Patent Examiner*

*United States Department of Commerce*

A handwritten signature in black ink, appearing to read 'Tuan Dam', with a long horizontal flourish extending to the right.

**TUAN DAM  
SUPERVISORY PATENT EXAMINER**